SELINSGROVE BOROUGH COUNCIL MEETING

MONDAY, NOVEMBER 12, 2007 - 7:00 P.M.

COUNCIL MEMBERS PRESENT: Pres. C. Handlan, C/P D. Anderson, C/P J. Herb, C/P M. Inch, and C/P D. Mengel

COUNCIL MEMBERS ABSENT: V. Pres. W. Reuning, C/P W. Hetherington

OTHERS PRESENT: Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor P. Carroll; Borough Treasurer Sheri Badman; Recording Secretary Dawne Long; DH&L Representative Ken Stettler; Daily Item Reporter Damian Gessel; Borough Businesspeople Stacy Heckman, Kevin Hicks, Joann and Ted Praul; Borough Residents Brian Farrell, Arnold and Dena Gentner, Joseph and Margaret Siro, Ian Van Pelt; Councilpersons Elect Shane Hendricks and Erik Viker; Larson Design Group Engineer Justin Keister; Penn Valley Airport Representative Glen Rohrer; SARI Representative Brian Burke; Shade Tree Commission Chairman Karl Maul; Snyder County Library Director Pam Ross; SPI President Judy Spiegel

OTHERS ABSENT: Police Chief T. Garlock

CALL MEETING TO ORDER:

Pres. Handlan called the rescheduled meeting to order at 7:00 P.M. She explained the meeting was advertised as being rescheduled due to not having a quorum on November 5, 2007. Mgr. Bickhart called the roll and noted the presence of Shane Hendricks and Erik Viker, Councilpersons elect, who will begin their term in January 2008. Pres. Handlan welcomed and congratulated them.

Pres. Handlan thanked Mgr. Bickhart and Sheri Badman for working today and attending tonight's meeting because today was a scheduled holiday for both of them.

REVIEW AND APPROVAL OF COUNCIL MINUTES FROM MEETING OF OCTOBER 1 , 2007:

Motion by C/P Anderson to approve the minutes as presented. Seconded by C/P Mengel.

AYES: FIVE (5) NAYS: NONE MOTION CARRIED

VISITORS TO BE HEARD:

Borough Police Chief, Thomas Garlock – Presentation of Police Report for September 2007 – Mayor Carroll noted that the overall calls for service are down a little from this same time last year. C/P Inch noted that the school district, the university and the off-campus housing comprise 33% of the calls for service. Susquehanna University has stepped forward to help with these issues and C/P Inch stated he hopes the school district will do the same, noting that the calls to the school district comprised 10% of the total calls for service last month. Mgr. Bickhart noted that the last bullet point on the last page shows that the number of alcohol-related violations is lower than this same time last year. Chief Garlock has attributed this to the aggressive patrol plan that was implemented last year and continued to this year. In response to Council's identification of this issue as a priority, Chief Garlock has changed the staffing with monies provided in the budget, and it has been effective.

Pam Ross, Snyder County Libraries, Inc. – 2008 Budget Request – Pam distributed a pamphlet from a study of public libraries done by the University of North Carolina. The study found that for every $1 in taxpayer money going to a public library in Pennsylvania, there is a return of $5.50. The study found that if all the Pennsylvania libraries were shut down there would be a loss of $1.34 billion. The study also showed that only 24% of public library use is for recreation or entertainment. Most people using the library want to learn things – to deal with a family or financial problem, to learn to fix something, to research insurance needs, and to help children learn to read. Pam noted that the Snyder County Library

System includes not only the Selinsgrove branch of the library, which serves the eastern end and part of the center of the county, but also the Middleburg, Beavertown and McClure branches of the library. The main office of the library system is in Selinsgrove. Pam stated most people use the library for book circulation, computer usage and program participation. This year, Selinsgrove Borough residents are expected to check out 20,000 items. This does not include the book stop locations in banks and post offices. Pam stated the Center for Rural Pennsylvania, which is funded by the Pennsylvania legislative branch, determined that 1/3 of people in rural Pennsylvania do not have a computer with Internet access. These people are mainly the poor and the elderly. Families with children usually only have one computer. The most common computer users at the library are the elderly, the poor, and children. In 2007 the library's computers will be used 15,600 times in one-hour increments. Pam reported there has been some staff rearranging and there are more activities taking place in the basement. A part-time family place coordinator has been hired to do programs for babies, toddlers and preschoolers, and a part-time staff member who has become full-time is focusing on senior citizens. Pam stated the administrative offices will be moved downstairs to free up space in the library itself. There is work being done to make the space more attractive and user friendly. Pam reported the state is increasing state aid for each library by $393. Because Snyder County has four libraries, they will receive $1,572 more for the year. Because this is not very much, the Library is asking each municipality to give a bit more to make up for the lack of funding from the state. The Library is asking Selinsgrove Borough for $20,000 in 2008. C/P Anderson noted that Selinsgrove gave $15,000 in 2007 and that this money is in addition to the fact that the Borough writes off the rent and supplements the heat and electricity. She asked why the other municipalities are so lacking in support when it is clear that Selinsgrove's support far exceeds the monetary donation noted in the report. Pam replied that Selinsgrove residents use the library very much and the library is an integral part of the community. She stated that McClure is the best contributor, with $4,500 pledged and a community chest that doubles that amount. C/P Anderson noted that there is no number in the report showing that McClure has given anything in 2007 and Pam replied that many municipalities give at the end of the year. C/P Anderson noted that if the library moves out of town they will be losing a lot of benefits from the Borough and she does not see how the library will finance itself without being in the Borough. Mgr. Bickhart asked if the value of the electricity and other donations to the library still get calculated for reimbursement. Pam replied there is a form that gets filled out and the library does not get to include that as part of the local financial effort in terms of what the state matches, but she said it is all reported and to a degree the library does get state money based on those costs. However, it is not as clear-cut as it used to be. Mgr. Bickhart stated the direct and indirect contributions are itemized for Council members. This year, with the help of some local realtors, a value has been applied to the rental value of 75% of the building, which is what the Borough donates to the library. Pam stated all this information is submitted to the state, as is the information regarding the work study students. Pres. Handlan reported that Pam joined the Snyder County Library Systems, Inc. in June 2007 as the Executive Director and that she has done wonders for the Selinsgrove library and the system in a short period of time. She noted that Pam reports to the Board, and she had no part in the decision to move the library out of the Borough. C/P Anderson stated she understands this, but she wishes her words to be taken back to the Board because what they are looking at doing does not make sense. C/P Inch noted that the value of everything the Borough gives to the library is close to $60,000. He wished to make it known that the Borough gives substantially more than they are credited with. Pres. Handlan noted that if the library were to relocate to an area outside the Borough, whether it be Penn Township or Monroe Township, she assumes that those municipalities would step up and give a similar contribution.

DH&L Fire Company, Ken Stettler – Ken reported there were 22 incidents in October as follows: 2 automatic alarms, 1 standby assignment, 1 vehicle accident with extrication, 4 false alarms, 1 good intent service call, 1 miscellaneous fire, 5 vehicle accidents without extrication, 1 training exercise, 1 rescue call, 2 structure fires, 1 tree down, and 1 water rescue recovery. The incidents occurred as follows: 1 in Freeburg, 3 in Monroe Township, 8 in Penn Township, 7 in Selinsgrove, 1 in Sunbury, 1 in Union Township and 1 in Upper Augusta Township. The loss within the jurisdiction was $0.00. October man hours total 400.

Brian Burke, Selinsgrove Area Recreation, Inc. – Update on Selinsgrove Community Swimming Pool – Brian reported the pool has not heard anything from DCNR yet regarding the grant application.

The pool board has been meeting with private citizens to report what the pool has achieved and where they are going in the future in order to gain new members. Names should be available in January.

Glen Rohrer, Borough representative to the Penn Valley Airport Authority – 2008 Budget request – Glen reported that the airport survives on money donated from Selinsgrove and other entities, as well as from fuel sales and rental of buildings and hangars on the property. The airport is at the point where they are not getting enough income to cover their expenses. The airport expansion plans have worked well; however, the economy and 9/11 have caused prices to go out of sight in terms of insurance and fuel costs. The average person cannot afford to fly any more so they buy less and the airport gets less funding. Operationally the airport needs more money to survive on a month-to-month basis. Russ Fairchild has assisted the airport in creating a five-element plan in order to raise funds and bring the airport out of debt over the next five years, which will allow more funds to be available to serve the routine, day-to-day operations. Russ Fairchild asked John Bickhart, who has been associated with the airport for over 25 years, to assist with the Capital Fundraising Committee's effort to put together a plan to take to municipalities. John went over the plan using visual aid posters and charts, noting that very few people realize how important the Penn Valley Airport is relative to all the airports in Pennsylvania. There are 142 public use airports in Pennsylvania. The top 16 are the ones with scheduled service, such as Philadelphia, Pittsburgh, and Harrisburg. The next group of 32 airports is considered business use airports, and Penn Valley is in this group. PennDOT did a study recently to evaluate the importance of airports based on factors such as runway length. In the business use group of 32 airports, Penn Valley ranked 14th. Therefore, Penn Valley ranks 30th out of 142 airports in terms of PennDOT's evaluation of the airports in the state. Based on this evaluation, PennDOT declared that Penn Valley Airport was eligible for funding far exceeding the history of airport improvements in the past and made available around $4 million in this last improvement project to substantially increase the length of the runway, put in parallel taxiways, clear trees, etc. These improvements caused the airport to get to the point where the debt service, which it is not uncommon for the airport to carry from year to year, exceeded the revenues on a daily, weekly and monthly basis. There is a separate committee looking at the operation of the airport, such as what is charged for fuel and hangars, and different strategies to increase the business aspects of the airport. The five-year campaign being reported on tonight seeks to pay down the debt. Any profits made on the operation of the airport will be put back into the airport, as has been the case for the last 30 years. John noted the bullet points on one of the posters, commenting on the things that the airport does and the way it support various activities such as corporate travel, police and law enforcement, etc. Glen noted there are 35 aircraft based at the airport now. He stated the demand is there for more hangar space, which needs to be planned for in the future. John reported that Weis Markets has been based at the airport since the beginning and Ritz-Craft has now developed a nationwide business of seven different corporations with their corporate aircraft based at the airport. The PennDOT studies have found that the airport has an economic impact of $1.7 million on the local economy. John reported that since 1980 there has been $11 million in improvements made at the airport. Of that amount, $9.5 million came from state and federal sources that are not income taxes, but aviation fuel taxes that are paid back into the aviation system. This is basically new money into the local economy. A large piece of this came at 5 cents on the dollar, making it a major economic development. Other improvement monies came from local businesses and organizations, who donated $500,000, as well as $300,000 from contributions such as the one from Selinsgrove Borough to the Penn Valley Airport Authority. The last improvement extended the runway from 3,000 feet to almost 4,800 feet. There is a full parallel taxiway and a number of devices to improve the safety of the airport. In addition, the Airport Authority has pulled funds together from various sources to build a substantially improved terminal facility, matching first-class facilities at airports serving businesses of all kinds.

John reported the objectives of the capital campaign are to pay off the debt from the expansion project and to complete other improvements that will become necessary over the next five years such as building new hangars, acquiring snow removal equipment, lighting and equipment, enhanced communications equipment, security fencing, and general maintenance of the facilities. John reported the capital campaign will target nine member municipalities: Selinsgrove, Monroe Township, Shamokin Dam, Middleburg, Northumberland, Penn Township, Sunbury, Snyder County and Union County. John showed a chart noting the contributions of these members over time, and the contribution goal Penn Valley hopes to receive from each of these members for the next five years. Selinsgrove Borough has supported the

airport over the years in a great way compared to some of the other members. The proposed contributions for the members take into consideration such things as proximity to the airport, businesses in that municipality that use the airport, population and other factors. The five-year plan will be taken to each municipality to request these proposed contributions. So far Shamokin Dam has been approached and they have agreed to increase their contribution from $400 to $1,100 going forward. In the next couple weeks the other municipalities will be visited. Mayor Carroll asked if anyone is on the board from Union County and John replied that each member municipality has a representative on the board. Glen Rohrer is Selinsgrove's representative. The Union County representative is Russ Fairchild. The Monroe Township representative is Clara Kovacs. Glen stated the representatives go to their Council meetings on a yearly basis in order to help them understand the situation. Sometimes this does not go well, such as with Penn Township, Monroe Township and Union County. In the next couple weeks there will be people who benefit from the airport at each municipality meeting in order to help make the presentations. Pres. Handlan asked why Monroe Township is not being asked to contribute more as the host municipality, especially since they have not done anything in the past until this year, and they have a large budget. John stated that the committee compared Monroe Township to Selinsgrove Borough in terms of population size and the numbers of businesses that were in the municipality that used the airport. In terms of those two factors, the two municipalities are about the same. Monroe Township benefits from being the host municipality but there are also some negatives to this, such as complaints about airplanes flying and having more zoning restrictions because of the airport.

John displayed another chart with a five-tiered plan showing monies coming from the following areas: local investors, such as the local municipalities; federal and state grants; foundations and gifts; Friends of the Airport, who are a wide variety of people who might fly in from time to time but are not necessarily based there on a regular basis; and airport users, such as Weis Markets and Ritz-Craft who are based there all the time. The target for local investors over the next five years is $113,500, with the total coming to $563,500 from all areas. With a $450,000 outstanding debt to pay off this leaves some monies for the future improvements that were noted earlier. The enhanced communications equipment would enable someone on the ground to contact the air traffic control in Harrisburg before takeoff in order to get clearances. Right now they use the telephone in the terminal, and then go out to the plane for takeoff. The Airport Authority owns and operates the airport. They arrange for people to pump the gas, for people to rent the hangers, and all of the income from that goes directly back into the airport operations. There is no corporate entity that is making a profit from the airport. That system did exist around 25 years ago and it was not working out. The airport became stronger by doing it themselves. Glen stated that Penn Valley Airport would appreciate Council's consideration of their request for an increased amount of money. Should Council agree to the proposed amount it would also enable the other representatives to mention that at their municipal meetings going forward. Glen thanked Council for their support.

Judy Spiegel regarding Selinsgrove Main Street Manager, Debbie Rozelle – Judy Spiegel reported that Debbie was not able to attend tonight's meeting but she does plan to come to the December meeting to introduce herself and meet the Council members. Debbie started today and is working on organizing the White Christmas celebration. Next week Jeff Briggs from the Pennsylvania Downtown Center, who administers the Main Street Program for the Commonwealth, will come up to do some training with Debbie and with the SPI Board. Judy stated Debbie is a Bucknell University graduate and has most recently been a sales rep for the Daily Item. She has written grants and has had experience with Sunbury's revitalization efforts. Debbie's office is currently at the Kind Café. SPI is working on finding something right on Market Street, as recommended by the Downtown Center. Judy also reported that SPI wanted to go on record as supporting and appreciating the Council's approval of Irene's request for the economic development liquor license.

Ted and Joann Praul – Zoning Permit request – Mgr. Bickhart thanked Ted for his help recently in evaluating some of the issues relative to the cell phone tower on the Borough's water tank. The Municipal Authority was entertaining questions about reducing the lease and Ted helped Mgr. Bickhart understand the merits of what they actually had and what the value of it was, which led the Authority to make a decision that so far has been quite profitable. Mgr. Bickhart stated that Ted is here tonight because Janet had taken an application from the Prauls for a zoning permit. In evaluating that, it became clear that they also had a problem with off-street parking. Therefore, the issue before Council tonight is a

conditional use application for a waiver of the required off-street parking to support Ted's proposal to put a 40-seat deli-style restaurant with four employees in the south half of the building where The Country Squire is currently located. The zoning ordinance requires just over 13 off-street parking spaces, and the property has no opportunity for any off-street parking spaces. The Zoning Ordinance procedure is to prepare a conditional use application, which Ted has done, and Council will entertain the request concerning the waiver of all 13.32 parking spaces to permit Ted's proposed use to go forward. The conditional use process allows Council to establish reasonable conditions pertinent to this request. A number of years ago Council changed the ordinance requiring compliance with off-street parking because it was driving potential businesses out of the downtown because no one could comply with the ordinance. Council replaced the ordinance with this process in order to evaluate each request on a case-by-case basis. C/P Inch stated the current occupant has no off-street parking. Mgr. Bickhart noted that Shane Ulrich's use predated the provision and he was a subsequent furniture store to a prior furniture store, so this step was never taken as it pertained to that building. C/P Mengel asked for clarification on Mgr. Bickhart's statement that Janet found an additional problem with the application. Mgr. Bickhart stated there is no additional problem other than the parking issue. The use is permitted.

Motion by C/P Herb granting conditional use approval for Ted Praul's proposal. Seconded by C/P Inch.

AYES: FIVE (5) NAYS: NONE MOTION CARRIED

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Review List of Council Issues – Mgr. Bickhart reported that most of these issues are being considered as agenda items tonight, and if resolved satisfactorily they will be taken off the list. He noted he is still waiting for the Borough Engineer to get back to him on the Weiser Run issue.

Consider applications received for Economic Development Projects interested in acquiring PLCB licensing – Mgr. Bickhart reported that the Borough advertised for any interested parties to make the Borough aware of any projects for which a liquor license would be requested under the PLCB's economic development projects. No inquiries were received and the only application submitted was from Stacy Heckman for Mrs. Green Jeans/The Pocket Grill. So far the Borough has been successful with one application for this license, and that was Irene's. C/P Anderson stated she was not aware that Irene's received their license. She stated she was just there Friday night and Jill Tomko was feeling quite frustrated about this. Mgr. Bickhart stated he received a notice from the PLCB about a month or more ago that it was issued. C/P Anderson stated her concern is that if it takes much longer and Irene's license is recorded as being issued in 2008 then Stacy will have to wait until 2009 for her license. C/P Mengel stated she commented on this last month and no one seemed to think it was a problem. C/P Herb stated that no one will benefit if the decision is delayed this evening. Everyone agreed that Stacy's application should move forward.

Motion by C/P Herb to approve the application by Stacy Heckman for the Economic Development Liquor License from the PLCB. Seconded by C/P Anderson.

AYES: FIVE (5) NAYS: NONE MOTION CARRIED

Pres. Handlan stated that whether the application is approved by the PLCB this year or next year, Stacy will benefit from getting in line for the next available license. C/P Inch asked if there is a normal timeframe from application to receipt of the license. Pres. Handlan stated the PLCB is very difficult to deal with. C/P Anderson stated this economic development license has only been in effect for a couple years – since 2002 according to Mgr. Bickhart – and there are only 13 of these licenses in the entire state so far. She stated that her sense is that the applications are always going to a new person who may not know how it was done the last time. She stated, however, that the PLCB had no trouble cashing Irene's $25,000 check several months ago.

COMMITTEE / COMMISSION / BOARD REPORTS:

FINANCE & BUDGET COMMITTEE: C/P Inch, Chairman

Payment and Ratification of Bills – including approval of payment to G & R Charles for contracted services related to Boat Ramp and Parking Lot Improvements – C/P Inch reported that the boat ramp bills total $87,350 which is lower than the $88,000 grant amount.

Motion by C/P Inch to pay the bills. Seconded by C/P Anderson.

AYES: FIVE (5) NAYS: NONE MOTION CARRIED

Mgr. Bickhart reported that because of the delay of the November meeting, C/P Reuning came in and reviewed some bills with Sheri and authorized the payment of the routine expenditures which could have incurred a penalty if not paid by a certain time.

Committee recommendation pertaining to the allocation of 2007 excess interest for Uniformed and Non-Uniformed Pension Plans with PMRS – C/P Anderson reported that the Committee's recommendation is to credit the excess interest across all three accounts, which amounts to a 3.12% increase in each of those accounts. The police union was consulted and they concur that this is the right thing to do. Mgr. Bickhart reported that ESCRA has also done something similar, distributing the excess on a percentage basis across the board. C/P Anderson stated that per the attached sheet this is agreeing to E and J and M on each of the forms. Mgr. Bickhart noted this is a significant amount of money in excess of the 6% that is guaranteed on the investments. This brings an overall return of 9.12% for the year 2006. For the police account there is almost $55,000 to distribute and for the non-uniformed employees the amount is just under $76,000 of excess interest. The money will be distributed in direct proportion to the money invested in each of the funds and invested by each individual employee and invested by each individual retiree. Last year it was done differently and next year it may be done differently again. For this year, this seemed to be the reasonable distribution.

Motion by C/P Anderson to accept the recommendation of the Finance Committee for the allocation of the excess interest. Seconded by C/P Mengel.

AYES: FIVE (5) NAYS: NONE MOTION CARRIED

Statewide Tax Recovery, Inc. - Exoneration Requests – One request for John Griggs for the years 1989, 1990, 1991, and 1992 for exemption from the $5.50 tax because he was deceased.

Motion by C/P Mengel to approve this exoneration request. Seconded by C/P Herb.

AYES: FIVE (5) NAYS: NONE MOTION CARRIED

Review and comment concerning 2006 Audit Report for Selinsgrove Borough – Mgr. Bickhart reported that the Borough received the annual audit report from the auditors. He stated he looked through it for a statement that there were no findings or that it was a clean opinion. He noted that the only assurance the Borough has that the audit is clear is the fact that nothing was said to the contrary. Mgr. Bickhart reminded Council to feel free to call the auditors with any questions, or to call the Borough office to arrange a meeting.

PUBLIC FACILITIES & SERVICES COMMITTEE: C/P Reuning, Chairman – No Report

BOROUGH ADMINISTRATION / PROPERTY AND EQUIPMENT: C/P Mengel, Chairwoman – No Report

COMMUNITY ACTIVITIES AND PUBLIC AFFAIRS: C/P Herb, Chairman – No Report

PERSONNEL MANAGEMENT COMMITTEE: C/P Anderson, Chairwoman

C/P Anderson reported a meeting is planned for Wednesday at 7:00 PM to review the applications for Sheeny's position. Mgr. Bickhart reported there were nearly 30 applications received. He and Corby are recommending that two of them be reviewed, with more at the discretion of the Committee.

PUBLIC SAFETY COMMITTEE: C/P Hetherington, Chairman

C/P Herb stated there is interest in whether a handicapped parking space will be designated on Market Street in the business district. He stated there is also a question of whether or not the egress from the eye doctor's office on Broad Street could be improved in some way. The Committee has not met to deal with these issues, but they should be looked into. Pres. Handlan stated the former police department parking spot was proposed as a handicapped parking space, and she asked whether the curbing has to be redone there for handicapped access. Mgr. Bickhart noted that the passenger side, which is typically designed for handicapped accessibility, would unload right on the top of the sidewalk. If the driver was handicapped and had a device to get out on the driver's side, which is very uncommon, the proximity of the handicapped ramp at the corner is acceptable. He stated this information comes from Mr. Reardon, the SEDA-COG inspector who brought this to the Borough's attention.

PLANNING COMMISSION: Earl Moyer, Chairman

Review Annual Evaluation Report on the Borough's Hazard Mitigation Plan – Mgr. Bickhart stated that on an annual basis the Planning Commission, along with a select group of representatives serving as advisors to the Planning Commission, evaluate issues relative to the Hazard Mitigation Plan. This group met and reviewed the document, endorsed it, and is recommending it to Borough Council as their annual evaluation report on the Hazard Mitigation Plan. C/P Anderson stated a big item for discussion at the Planning Commission was ES4 and she likes how it is stated now, describing concerns about Weiser Run and the culvert areas. Mgr. Bickhart stated this is an action item having to do with the emergency services category and making arrangements to protect people from getting in proximity of Weiser Run upstream of the culverts and the box culverts in the Borough. This was a recommendation of the police chief when the plan was originally put together. It was discussed at some length and it was felt that a high priority should be placed on making sure the Borough's Public Works Department has the adequate resources to be able to respond quickly and do what the plan says, which is putting up barricades at key locations upstream of the box culverts and culverts that are considered particularly hazardous.

Motion by C/P Anderson that Council accept the annual review of the Hazard Mitigation Plan. Seconded by C/P Inch.

AYES: FIVE (5) NAYS: NONE MOTION CARRIED

Mgr. Bickhart reported that a copy of the Planning Commission minutes have been provided for Council in order to keep them informed as to what they are doing. The Planning Commission has been, and will continue to be, relatively busy on issues of some significance to the Borough. There are interesting things going on and the Planning Commission sees a lot of these things first.

Review Land Development Plans for Icon Realty, proposed occupants of Creation Windows – Mgr. Bickhart noted that Kevin Hicks is the owner of Icon Realty and Justin Keister is from Larson Design Group, the engineer who designed the land development plan and various parts of it. Justin took the floor and showed various drawings of the proposed site and an overview of the project. He noted the plans have been before the County Planning Commission, who had no comments. They were submitted to the Conservation District and the Borough Planning Commission. He showed a site map of the old Creation Windows site, noting that the first of two phases involves a 12,600 square foot build-out which is proposed for the building and a gravel area for trucks to access the modular units on the back side of the building. Phase 2 encompasses some grading work and a level area for future parking or a staging area. The existing site is already set up for industrial use so there was not much to do utility-wise. The sanitary sewer and public water are already in place. Stormwater management needs to be straightened out and

some site grading needs to be done. The stormwater management will be done in two phases. Mgr. Bickhart and the Conservation District had identified an existing drainage problem. There is an existing basin with a swale that goes to an inlet on Sand Hill Road. The conditions in that area have deteriorated and there is some washout. In the first phase of the project approval has been secured from Susquehanna University to do some regrading of the swale to open it up to capture all the stormwater coming off the field and to get it into a pipe and into the inlet the way it should be managed. The rest of the stormwater management will control the runoff from the proposed build-out and the impervious area for the future use. The most appropriate way to do this is underground as opposed to an over-ground system. This is relatively new technology, but Larson Design Group has used it before on projects such as the Selinsgrove High School football field. The increase in stormwater runoff will be handled by an underground chamber system which is basically half a pipe upside down surrounded by coarse gravel underneath, on the sides and over the top. This is designed to manage the storms and release the water at rates that are appropriate to the pre-developed conditions. This system will outlet any flows to a 24-inch pipe in the Borough's existing stormwater network and the swale that is already in place will move the water off the hill, capture it and channel it to where it is supposed to go. Justin stated this does not involve a lot of construction activity, yet they have managed what needed to be accomplished. The Planning Commission has made a recommendation that this be approved subject to the final engineering review. Coukart has the information but has not had a chance to return the final review. Justin stated he has responded to Coukart with a letter regarding each item that they had commented on. In response to a question from C/P Inch, Justin noted that the landowner, who will be Icon Realty, will take responsibility for the maintenance of the facility on their site. The only part of the facility that would not be on their property would be the outlet to the drain pipe and the existing area on the Sand Hill Road side. Mayor Carroll asked if the open culvert will remain open and Justin explained that it is a formed-up concrete curb in the back but over time the water is getting into the back and sides and runs out on the road. The proposal is to reconstruct the curb to get water into the inlet via an underground pipe. Mayor Carroll asked if the pipe is an adequate size to handle the flow and Justin replied that it is. He stated a lot of water misses the inlets and runs over the wall and along the curb line. Mgr. Bickhart stated he had been working with Creation Windows for a number of years to fix that problem and he made Kevin Hicks aware of it immediately with the first walkthrough of the property. Creation Windows had created a cut-off trench, a ditch that was carved by digging out a little bit and putting up an embankment so the water coming down the side hill hit the trench and ran out toward Sand Hill Road. Over the years sediment had washed that full and it was no longer deflecting the water. Instead the water was going straight across into a small detention basin and overwhelming it. The discharge from that detention basin was blowing out stone all over the place. The easement from the University was needed because when that was constructed it ended up being on the University's property. Mgr. Bickhart had also pointed out that there was a problem with getting stormwater into the upper end of the Borough's storm sewer system and the plans call for working with the Borough to make sure that this water is directed adequately into that system. Once it is in the pipe it can be carried down the slope very effectively. What does not currently get into the pipe goes up on the shoulder and combines with a lot of water coming down from the township which overwhelms the inlets. During a rainstorm the water is going so fast it does not have time to drop down through the grates; it just shoots straight across them. The upcoming street program will address this stormwater issue in other places, but Kevin has taken on the interest of trying to fix this up and work with the Borough to renovate the system that has failed horribly over the years. C/P Mengel asked if the area where the trucks will pick up the units in the new addition area will be gravel. Justin replied that Phase 1 proposes gravel with an option to pave it in the future. C/P Mengel asked if there was a requirement to pave that as a roadway. Mgr. Bickhart replied that it is not a roadway but a product storage area or parking. It is not required parking, but rather secondary storage for the manufacturer so there is no requirement to pave it. If it were required parking it would be necessary to pave it. The design is more than adequate to handle the stormwater even if the area is paved in the future. Justin stated the system will be installed as part of the Phase 1 development, so it will be overdesigned and oversized initially until impervious cover would be added in the future. C/P Anderson stated the Planning Commission is recommending this plan to Borough Council with the condition that it be approved by the Borough Engineer. Mgr. Bickhart stated if Council wished to give a conditional approval, two notable conditions would be the signed agreement from the university and a satisfactory letter of review from the Borough Engineer on the entire plan. Council has copies of Coukart's original comments and Larson Design Group's response. There is one more step in terms of the engineer accepting the plan.

Motion by C/P Anderson to conditionally approve the project, with the conditions being the letter from the university and the engineer's approval. Seconded by C/P Mengel.

AYES: FIVE (5) NAYS: NONE MOTION CARRIED

Consider Brian Farrell to serve on Selinsgrove Borough Planning Commission to fulfill the term of Karel Page until January 2010 – Motion by C/P Anderson to approve Brian Farrell to fulfill the term of Karen Page until January 2010. Seconded by C/P Inch.

AYES: FIVE (5) NAYS: NONE MOTION CARRIED

Mgr. Bickhart stated that a letter from Pat Morris dated November 9 was not received in time for the Planning Commission meeting, but Pat has also expressed an interest in serving on the Planning Commission. The Planning Commission does not currently have an opportunity for reserve members, although in the Borough magazine there is some pending legislation to revise the Planning Code to permit reserve Planning Commission members so there are not circumstances where projects are held up because a quorum cannot be attained. At this time there is now a full complement of seven Planning Commission members. Mgr. Bickhart stated he will call Pat and explain the circumstances to her. C/P Mengel asked why Council did not have two people to choose from and Mgr. Bickhart replied it was because the Planning Commission was not aware at their meeting of Pat's interest so they made a recommendation based on what they knew.

ZONING HEARING BOARD: Glen Rohrer, Chairman – No Report

CIVIL SERVICE COMMISSION: Dalton Savidge, Chairman – No Report

PARKS AND RECREATION BOARD: Richard Norman, Chairman – Pres. Handlan noted that work is being done at the ice skating rink. Sheri stated a lot of grant money was spent on improvements to get ready for the season.

SHADE TREE COMMISSION: Karl Maul, Chairman

Accept resignation of Mark Vergauwen and appoint Shira Vergauwen to fulfill Mark's unexpired term – Karl reported that due to time constraints Mark would like to resign his position. The same day he told Karl of this, he offered his wife to fill his position. Shira has attended a meeting and confirmed this.

Motion by C/P Herb to accept Mark's resignation and approve Shira's appointment to the Shade Tree Commission. Seconded by C/P Inch.

AYES: FIVE (5) NAYS: NONE MOTION CARRIED

Karl noted that the Shade Tree Commission is always looking for interested people. Dale is asking for a replacement for himself, and there are others who do not seem to be as interested as they should be. Karl reported three trees will be planted sometime this week around the stream area at the LifeTrail. The trees that needed to be trimmed did not get done this year due to scheduling problems with the tree trimmer. This project should be completed next year, and the Commission's focus will be redirected to parks and Market Street.

BOROUGH ADMINISTRATIVE REPORTS:

MAYOR: Pete Carroll

Consider amendment to Chapter 133 – Vehicles and Traffic, Article I – General Regulations, § 133-5. Enforcement of the Code of the Borough of Selinsgrove to add language to include enforcement by "other persons as may be designated and authorized by the Chief of Police of

Borough Council, acting in accordance with instructions issued by the Chief of Police or Borough Council. . .” or something to that effect. Needed to permit over-time parking enforcement by Police Department intern – Mayor Carroll stated there was a concern this past summer about the work the intern was not permitted to do, so he checked with other municipalities to see what they have drafted concerning this issue. He read from a draft: “It shall be the duty of the police officers of the Borough of Selinsgrove and in such person as may be designated to be authorized by the Chief of Police and the Mayor acting in accordance with the instruction issued by the police chief to report the number of each parking meter, if applicable. . .” Mayor Carroll stated that he added the “if applicable” because the Borough does not have parking meters. He stated the officers would mark the tires of the cars and record the time the tires were marked. If the car is still there after a certain length of time then a citation is issued. The license plate number and a description of the vehicle are also recorded. Solicitor Cravitz stated he would take a look at this to see what language can be changed to make it applicable to Selinsgrove. C/P Anderson asked if it would take an ordinance to do this and Mgr. Bickhart replied that it would require an amendment to the Borough ordinance, which currently says “the police officers of the Borough of Selinsgrove shall. . .” do these things. Solicitor Cravitz stated that without changing the language someone could contest the ticket and say it was not issued by the proper person. Mgr. Bickhart stated he looked through a lot of ordinances and took out references to parking meters. The ordinance amendment could add “and other persons as may be designated and authorized by the Chief of Police or Borough Council acting in accordance with instructions issued by the Chief of Police or Borough Council...” C/P Anderson stated she did not feel the Borough Council should be included as designating someone to do parking tickets. C/Ps Mengel and Inch agreed. C/P Herb stated if non-police officers are going to be assigned police responsibilities, then Council needs to be careful about what those responsibilities will be. He stated the ordinance should note a very restricted use of interns. Solicitor Cravitz stated it will also have to be cleared with the police union to be sure work is not being taken away from union members because then a grievance could be filed against the Borough. Mayor Carroll stated he called Shelly Hauck, who said this definitely has to be put in place for the intern. Shelly also said that when people are hired through Degenstein, because the Council deals with public funds to hire these people as summer employees or over the holidays, Council has to approve the employees by putting their name up for nomination as employees of the Borough on record. Pres. Handlan stated Council has never done that and the timing of the hiring versus the Borough Council meetings makes this almost impossible. C/P Mengel suggested the names be ratified for the record after the fact.

Junior Councilperson – Mayor Carroll reported that he checked with the high school principal and learned that Harvey Edwards might have a female student who is interested. Mayor Carroll called Linda Costa, the organizer of this, and asked whether the student could come from the school district and not necessarily have to be a Borough resident, which is how the resolution is worded now. Linda said that Council could change this to whatever they wish in their own resolution. Mayor Carroll drafted a sample resolution based on what Linda told him in order to open up the door for any student in the school district to apply for the position of junior councilperson. Pres. Handlan asked that anyone in the room with children encourage them to become a junior councilperson. Mayor Carroll stated that Council would have to adopt the resolution, take applications and have them reviewed by one of the Committees, and then choose one or more junior councilpersons. Linda stated that more than one student could be chosen.

October Activities – Mayor Carroll reported that he attended a ribbon-cutting ceremony at Irene’s. He reported the Halloween Parade went very well. Corby and the crew did an excellent job of setting things up, putting up barricades, and cleaning up afterward. On Saturday, October 27, the Selinsgrove Chamber of Commerce asked Mayor Carroll to be a judge for a costume contest held at The Commons. The event also included other activities for the children, who then walked around for trick-or-treating at the downtown businesses. Prizes for the children included a bicycle and gift certificates. On Halloween night, the police department was open for parents to come in to inspect their children’s candy and discard anything objectionable. Wee Willie the clown made balloon animals for the children. There were about 150 children who came to this event and received a treat. Officer Wolfberg and his wife helped out with this, and Chief Garlock paid for some of the costs out of his own pocket because nothing was in the budget for this event. This will be included in the Mayor’s budget for next year.

White Christmas – Mayor Carroll reminded everyone that the tree lighting ceremony will be held on Tuesday, November 20. He will be doing the proclamation on that night.

BOROUGH SOLICITOR: Robert Cravitz

Consider adoption of Ordinance # 731, pertaining to Rental Unit Occupancy Regulations – Solicitor Cravitz reported this was advertised for November 5 and then readvertised for tonight's meeting. Pres. Handlan stated that since the last Council meeting she attended the annual CK-COG meeting as the representative for Selinsgrove. She found that under the CK-COG there are four municipalities, including Lewisburg and some smaller ones, that already have a landlord ordinance in place and each of those four municipalities utilizes CK-COG to do the licensing and inspections. These municipalities do not allow the landlords to hire their own inspectors. Either the CK-COG does it all or they do not do any of it. That way it is streamlined and everyone knows what is expected. In Selinsgrove's ordinance the Borough Manager is noted as an entity who can oversee this and Pres. Handlan stated she does not want the Borough offices administering any portion of the landlord ordinance. The Borough does not have the resources to facilitate this and she stated she would like to see CK-COG administer this on the Borough's behalf. C/P Anderson agreed, stating that that had been the understanding from the very beginning. C/P Mengel stated she thought this was decided at last month's meeting. Pres. Handlan stated this should be spelled out in the ordinance. If it becomes problematic or CK-COG were to dissolve then that would have to be addressed at that time. She asked the other municipalities if any landlords sold their properties as a result of the ordinance being implemented, and they all responded in the negative. Many Selinsgrove landlords already deal with CK-COG in other municipalities where they own properties. Mgr. Bickhart stated the mechanism for administering the ordinance is to look at the definition of code official, which is used throughout the ordinance. CK-COG can be designated as the inspection entity but the definition of code official is the person who is charged with the administration and enforcement of the property maintenance code or any duly authorized representative. Council can designate the code official to be CK-COG. Solicitor Cravitz stated this could be done across the board via an amendment to the ordinance, or it could be done at the reorganizational meetings every two years just as Council does when they designate their depository. He stated an amendment would prohibit Council from acting on the ordinance tonight. He recommended adopting the ordinance tonight and then also at tonight's meeting appointing CK-COG as the code official, and then appointing them to a two-year term in the reorganizational meeting the first Monday of January 2008 and so on every two years after that. In the event Council would not want to use CK-COG any more, at any reorganizational meeting they could appoint someone else as the code official without having to do another amendment. C/P Herb suggested in the interest of simplicity that the ordinance take effect on January 1, 2008 rather than immediately. Certain things are noted as taking place in six months or within 18 months, which would make the tracking easier. Solicitor Cravitz stated this would not require an amendment to the ordinance.

Motion by C/P Herb to adopt Ordinance # 731 effective January 1, 2008. Seconded by C/P Inch.

AYES: FIVE (5) NAYS: NONE MOTION CARRIED

Since the ordinance does not take effect until January 1 there was no need to appoint a code official at this time. C/P Anderson asked if official action should be taken so CK-COG understands the intent is to have them be the code official. Mgr. Bickhart replied that CK-COG is aware of this. As a point of interest, Mayor Carroll noted that there is no one from Snyder County on the board of CK-COG.

Consider adoption of Ordinance # 759, pertaining to the adoption of regulations pertaining to the pruning of trees under jurisdiction of the Shade Tree Commission – Solicitor Cravitz reported that this ordinance is a total revamping of Chapter 42, Shade Tree Commission. This has been reviewed by Mgr. Bickhart and Karl Maul. This ordinance was advertised for November 12. Some things were brought together and some language was cleaned up in this ordinance, particularly § 42-3 which had a typo that was corrected. Some sections have been renumbered to fall in chronological order. Some sections were deleted, such as § 42-5 and other sections have been added, starting with § 42-7. Solicitor Cravitz reviewed and read some of the sections of the ordinance, noting that any work performed on shade trees must be done to the standards of the American National Standards Institute. In § 42-8 there

are instructions for the planting and removal of shade trees. The ordinance sets up an appeal process whereby if the Shade Tree Commission makes a ruling it can be appealed to the Borough Council and after that it would go to the Court of Common Pleas under the Local Agency Administrative Act. In § 42-9 permits are addressed, § 42-10 addresses excavation, and § 42-11 addresses location of public shade trees. C/P Herb asked for a definition of "between the sidewalk and curb or such other locations as determined by the Shade Tree Commission", asking what other locations there could be. Karl replied that the other locations would include parks. C/P Inch asked what is considered the public right-of-way. Solicitor Cravitz reported that normally the street is considered 30 feet wide but only 20 or 24 feet are being utilized. The right-of-way includes that area not being used. Some of the larger streets are up to 50 feet wide. The street would be measured equal distance from the center line. Every location will be different because not every street is in the exact center of the right-of-way. Mgr. Bickhart stated that in most cases in the Borough the right-of-way line is either at the back side of the sidewalk or within a foot of that location. The streets that run east and west are typically 40-foot rights-of-way and they have curbs and then the sidewalk, with either no planting strip or a relatively small planting strip. In those cases only the curb and sidewalk encompass the right-of-way line and there is no place to plant a tree. The streets that run north and south are typically 50-foot rights-of-way with a four or five-foot grass strip on both sides and then the sidewalk. In the newer development including Rhoads and Susquehanna Avenues, some of the streets have 60-foot or even 70-foot rights-of-way. Their right-of-way line is well back in the property. C/P Anderson asked how this will work for someone who has been required by the Borough to fix their sidewalk or put in a sidewalk. In order to comply with the sidewalk requirements, would they also need the Shade Tree Commission's approval to cut shade tree roots that are in the way of the sidewalk. Solicitor Cravitz stated this is true, and the onus remains on the homeowner to comply. C/P Mengel asked if this will apply on High and Pear Street where sidewalks were just put in. Karl replied that this ordinance was not enacted when that work was done, and these requirements were not in the previous ordinance. Mgr. Bickhart noted that that is a situation where the right-of-way is only 40 feet and the back side of the sidewalk is the right-of-way line, and the pine tree that was there was not in the jurisdiction of the Borough. C/P Herb referred to § 42-12, which addresses spacing, and stated that he has a tree down at the intersection of Pine and Front street that is no more than eight feet from the intersection. He asked if that tree will have to be cut down if the ordinance is adopted. Karl replied that the ordinance will address the planting of new trees and that existing trees are grandfathered in. He stated the Shade Tree Commission wants to keep trees well back from corners to increase visibility. C/P Inch stated he has two large oak trees that had a blight about five years ago. He found someone from the County Extension office to inoculate the root system. He asked whether he would need permission for inoculation if the blight reoccurs. Karl stated the permit has a line for the expiration date of the permit, and in a case like this, with ongoing inoculation over a period of years, the expiration date would note that it was good for a period of three years or whatever the extension office recommended. Solicitor Cravitz noted that C/P Inch's trees are beyond the public right-of-way so they would not be covered by the ordinance. C/P Herb asked if the spacing and distance requirements of new plantings could be changed if the Shade Tree Commission was convinced of a good reason to do so. Karl replied that waivers could be granted and issues will be considered on a case-by-case basis. He noted that there are some places where houses are up to the intersection and having a tree 10 or 25 feet back will not make any difference for visibility. Karl also noted that he wants there to be flexibility in § 42-13, the list of approved species of trees. If someone makes a good argument for a species that is not on the list then that would be taken into consideration. As far as the distances, some things are important. The trees need to be back from the fire hydrants and street signs; he does not want to see waivers on these issues because of liability. C/P Herb stated that the reason he planted his tree where he did is because during the summer, when the spiders along the river are extremely active, the tree shades his house from the streetlight and helps to keep the spiders off the house without having to use chemical pesticides. Karl stated the Shade Tree Commission would be willing to listen to anyone with a legitimate concern and reasons to change something, but for the most part they would want to stay as consistent as possible. C/P Anderson asked if the Shade Tree Commission goes to the areas where the Borough is recommending sidewalk work be done to determine the impact on the shade trees. Karl stated he has not done this because the root issue was never addressed in the old ordinance. The new ordinance will address this, and the approved species are those that do not have shallow roots and thus will not affect sidewalks in the future. For current trees and new sidewalks, if roots are to be cut where the sidewalk is to go it may be more beneficial to take the tree down. C/P Anderson stated a homeowner should not get into trouble for cutting

tree roots when they have been required by the Borough to replace or install a sidewalk where there are tree roots. Mayor Carroll suggested that when the sidewalk letters are sent out information could be included on the Shade Tree Commission and this ordinance. C/P Herb stated he sees the function of the Shade Tree Commission as enhancing the community and the Borough by preserving the lives of the existing trees and encouraging the establishment of new trees. He is concerned that this ordinance goes beyond those functions. Karl stated that when a sidewalk is replaced or installed the Shade Tree Commission will try to prune the roots properly, which is directly related to the preservation of those trees. He stated it bothers him when he sees a cement contractor laying out a new sidewalk and he hacks apart roots with a shovel or an ax, which is not the proper way to prune the roots. The reason for this part of the ordinance is that when roots do need to be pruned they should be pruned properly to preserve the tree. He stated sidewalks can also be built in ways to avoid roots, such as building them on a curve or up and down. Pres. Handlan asked how many trees are on the approved species list and Karl replied there are around 20 trees. He stated this list was made back with the original Shade Tree Commission. The current Shade Tree Commission needs to revisit this list, but he does not want to hold up the ordinance to do this. Karl stated he would prefer to call them "recommended" species rather than "approved" species. He stated anything not on the list can be considered. Pres. Handlan asked Solicitor Cravitz to make that change in the wording. She stated there are certain trees that should not be planted and Karl agreed, noting that there are certain species that should not be planted in planting strips that are too narrow. There are some species that would do well in a two-foot-wide planting area, but there are species that would not do well even in a five-foot-wide planting area. These need to be evaluated individually.

Solicitor Cravitz clarified that § 42-13 would be changed to read "an official list of recommended public shade trees shall be established by the Shade Tree Commission. . . "

C/P Anderson referred to § 42-8d, which deals with public utilities cutting trees and needing permits from the Shade Tree Commission. She asked what happens if a public utility comes through and just hacks up the trees without telling anyone they were coming. She asked how the landowner is to handle this when they are supposed to have a permit but know nothing about the trimming schedule of the utilities. Solicitor Cravitz stated the utilities will be given copies of the ordinance. Karl stated the Shade Tree Commission has not approached the public utilities yet because there was no ordinance in place addressing this. He stated he wants to do public relations with them. PP&L has a lot of arborists on their team and they do a lot of proactive things and are concerned about the way they prune trees. The newer techniques of pruning, although some people think it looks odd with a big V cut out of the middle of the tree, are actually much better for the tree than chopping off the top like they used to do, and it costs the utility less money to do it correctly. C/P Anderson noted all the trees are gone from North Ninth to Broad Street on Mill Street because they were badly topped and the homeowner had them taken down. Karl stated this section refers to any utility, governmental agency, or commercial tree trimmer that comes in at the homeowner's request. In this case someone needs to get a permit. If the homeowner gets the permit, that suffices. C/P Anderson asked if a homeowner will be fined if the utility just comes through and tops the tree without the homeowner's prior knowledge. Karl stated if it was not initiated by the homeowner, he is not responsible to get the permit. Hopefully the public relations with the utility companies will resolve this issue. C/P Mengel asked if the homeowner is held responsible if the utility does the work and Pres. Handlan stated she does not see how this could be done. C/P Anderson stated she would like to see something addressing this in writing in the ordinance.

Pres. Handlan stated there needs to be something in the ordinance addressing the steps taken following a violation of the ordinance. She stated there is no cause of action listed. Solicitor Cravitz stated there is a cause of action against the homeowner. Mgr. Bickhart stated this is part of the existing ordinance, and Council does not have the full text before them tonight. Solicitor Cravitz verified this, stating some parts of the original ordinance, including some that were renumbered, were reaffirmed and only the parts that were changed are before Council tonight. Mgr. Bickhart stated it is difficult to get to property owners before they cut down a tree. People are not aware of the regulations and they just go ahead and cut trees down. Karl stated the people could be fined for this, but this approach has not been taken yet. He stated most of the trees have been taken down because they were either dying or were blown over in a storm or had been topped so many times that they were an ugly mess or they may have been pushing up the sidewalk. He stated polite letters have been sent letting the homeowners know they should have

gotten a permit for this, noting the homeowner's responsibility in planting a replacement tree, and offering the services of the Shade Tree Commission. Karl stated the dollar figures in the ordinance regarding fines can be adjusted as Council sees fit. He would rather explain to people why things are being done than fine them in dollars, although he understands that there needs to be a way to back up the ordinance with action. C/P Herb asked if there is a database of people with tree trimming businesses within a 40 or 50-mile radius of Selinsgrove who could receive a copy of the ordinance once it is in effect. Karl stated it is his intention to contact all the local tree businesses to let them know that if they are doing business involving a shade tree in the Borough then they have to contact the Shade Tree Commission. He stated there are businesses coming and going all the time so they will be contacted on a regular basis. This will be done by going through the Yellow Pages, as no database exists at this time.

C/P Herb stated that he felt the appeal fee of $100 was pretty steep. Pres. Handlan noted that there is no cost for a permit. She stated she has no problem with decreasing the appeal fee. Mgr. Bickhart stated the $100 is consistent with the Zoning Hearing Board appeal cost, with an additional $50 fee for the presence of a stenographer. He stated it is an administrative fee which is used up pretty quickly. In the case of the Shade Tree Commission it does not have to be advertised and adjacent property owners do not have to be notified by certified mail. C/P Herb suggested lowering the appeal fee to $50.
C/P Anderson stated the fee should be large enough to deter people from appealing foolishly but it should not be so big that due process is denied to people. Mgr. Bickhart stated the fee should be large enough to cover the Borough's expenses. Anything else is a tax and is not allowed. He stated it will be a legal procedure so there will be solicitor fees, which alone could cost $100. There would also be the cost of a stenographer to record the appeal. Solicitor Cravitz stated after an appeal is taken to the Shade Tree Commission it is brought to Borough Council for the required public meeting, which can be at a special meeting and not during the regular Council meeting. At this point the solicitor will sit in judgment over what the Shade Tree Commission did. C/P Anderson asked if the Snyder County Court of Common Pleas would actually hear a tree case and Solicitor Cravitz replied that they would. He stated it is a personal grievance, noting that the issue of the trees on Orange Street could have gone there. It was the consensus of Council to let the appeal fee at $100.

Motion by C/P Mengel to adopt Ordinance # 759 with the changes as discussed tonight: changing the wording in § 42-13 from "approved" to "recommended", and changing the language in § 42-8d so the homeowner is not responsible for something they were not aware of a utility company doing. Seconded by C/P Inch.

Mayor Carroll asked if the Borough can be put on the call 800 list for digging work. If someone calls from Selinsgrove to do work the Shade Tree Commission will be notified. Mgr. Bickhart replied that if it is an excavation there should be a One Call done, but this only applies to excavations and not trimmings. Karl stated One Call will not notify the Shade Tree Commission; they will only notify the utility company.
Mgr. Bickhart stated the Borough is already registered. Pres. Handlan called for a vote on the motion.

AYES: FOUR (4) NAYS: ONE (1) – C/P Herb MOTION CARRIED

Mgr. Bickhart clarified that Solicitor Cravitz will modify the approved/recommended trees and § 42-8d.

Consider adoption of Ordinance # 761, pertaining to Vacating Mahanoy Avenue, as requested by Chris Gemberling – Solicitor Cravitz reported this was advertised correctly and noted that the expenses have been paid by Chris Gemberling. This relates to the land between Mr. Gemberling's property and the Borough's lot on the Isle of Que. This will not take effect for an additional 40 days after the enactment of the ordinance to give people time to come forward if they are aggrieved by this action. C/P Mengel asked if this property might ever be needed for the boat ramp or parking lot area. Mgr. Bickhart stated the driveway that was constructed to the boat ramp is on the other half of this 60-foot-wide street, so the Borough is already using its half. It would be very difficult to reaffirm the Borough's right to do anything with this property because of the length of time that nothing has been done with the land. The Borough would actually have to have the adjoining property owners' consent. C/P Mengel asked how many more of these alleys there are and stated Council should be reviewing all of them. Mgr. Bickhart replied there are a lot of them. He stated when his brother was on the Planning Commission they had sat down and

gone over the map and recommended that a lot of these unopened streets and alleys be vacated by the Borough, but it never got done because of the cost. In this case, when a property owner seeks to have it vacated he bears the full expense of it. C/P Mengel stated she is not sure she wants them all vacated in case the Borough would find some use for them. Solicitor Cravitz stated on the ones that Council has come across so far, and probably on all the ones that exist, because they have not been opened in the last 21 years the public flavor has exhausted. The Borough cannot do anything with them without condemning them and taking the right-of-way back. If a dedicated public street is not opened for 21 years and nothing is done on it such as plowing and maintenance, it stops being a public street. What Council is doing is taking a cloud off the landowners' title. It still remains a private right-of-way for everyone along the strip and they can all use it for their own coming and going, but the Borough cannot go on it and start plowing snow or making improvements. If they do, then they have to pay people for the right-of-way to compensate them for taking it back. The Borough is not really doing anything by passing these ordinances and the landowners are footing the bills, which if the Borough were to do it themselves the advertising and notices and other expenses would be quite high. Brian Farrell paid around $260 to have an alley vacated. Mgr. Bickhart stated the Planning Commission did not know of any of these areas that they wanted to keep for future transportation or anything else in the Borough. There has never been a reason to open these. They are basically just utility easements at this point. C/P Anderson stated there is one of these near her house, a short alley that ends at someone's property.

Motion by C/P Inch to adopt Ordinance # 761. Seconded by C/P Herb.

AYES: FIVE (5) NAYS: NONE MOTION CARRIED

Update on "Determinations" made on the appeals of real estate assessments for Shane Ulrich and Omega Bank – Solicitor Cravitz reported that determinations were made to reduce the assessments on these properties. Omega Bank was reduced from $461,370 down to $383,800 which results in a loss of revenue to the Borough of close to $800. Omega Bank may appeal this because they may think they should have gotten a larger reduction in the assessment. Shane Ulrich's reduction was from $56,360 to $43,430 with a loss of revenue to the Borough of $133. These reductions are not worth the Borough filing an appeal over. The adjustment to Shane Ulrich's property was made before he made his improvements. The assessor will now go back and do another assessment. Mgr. Bickhart noted that the "saved" amount on the information sheet is what both entities have saved in real estate taxes in the county, which includes the Borough tax at 10.3 mills, the county's tax at 17.8125 mills and the school district's tax at 63 mills. Shane will realize a savings of almost $1,200 and Omega Bank will realize a savings of just over $7,000. There is financial motivation for people to seek these adjustments and it will continue to happen. The only thing that will stop this trend is a countywide reassessment. It has been stated that in a reassessment 1/3 of the properties will go up, 1/3 will go down and 1/3 will stay the same. Only the people whose assessments will go down are applying for these reassessments. Mgr. Bickhart stated Omega Bank believes that this adjustment was just a fraction of what they were due and he fully expects them to appeal this. They feel the assessment at a current-day value of $3 million should be adjusted down to $1 million.

BOROUGH ENGINEER: J. A. Coukart & Associates

Update on pending projects – Mgr. Bickhart reported the 2007 projects have been completed in 2007 and the 2006 projects have been cleaned up. Solicitor Cravitz reported that Mid-State Paving is protesting the Borough's withholding of the $5,500 in liquidated damages. They asked if the Borough would be willing to compromise because Mid-State does not feel they are entirely at fault for the delay and what happened. They offered to let the Borough keep $2,750. Mgr. Bickhart stated he got a copy of the proposal letter and even though it was not his to act on he told Mid-State no. Council affirmed this.

BOROUGH TREASURER: Sharon Badman

Review Treasurer's Report for October 2007 - Pres. Handlan asked if there were any questions on the Treasurer's report. Hearing none, she stated that it is on file for audit.

BOROUGH MANAGER / SECRETARY / ZONING OFFICER: Mgr. Bickhart

Non-Police Complaint Update

Mgr. Bickhart reported a property owner was proposing to sell his rental properties and the buyer became aware of the Rental Unit Ordinance that was pending and was asking questions to evaluate the impact of it. All the questions were answered to the buyer's satisfaction and he did not feel the proposed ordinance was burdensome at all. There was a question as to whether the leases had to be rewritten and the answer to that is no, but in the event they would be rewritten they must include the Borough's provisions. There was a question about construction changes to comply with the Property Maintenance Code. The questioner had contacted CK-COG, who confirmed that there is language to grandfather things in the ordinance so no one would be required to reconstruct their properties to accommodate the Code. The exception is smoke detectors, which are required to be added to all residential structures, rental and non-rental. This is a provision that was separately established by Council with a two-year timeframe which has now passed. This cannot be grandfathered because it supersedes the Property Maintenance Code.

Mgr. Bickhart reported a request was made for a handicapped parking space along the curb in front of a rental property home on East Snyder Street to make the care of a handicapped child easier on the parents to carry the child from the car to the house. He told the requester this would have to go before Council and explained that others have made similar requests with no one being successful to date.

Update of PROPERTY TRANSFERS and BUILDING PERMITS ISSUED, Janet Powers, Deputy Zoning and Permit Officer – No report

Recommendation concerning request for proposals for engineering service related to the preparation of a design, details, specifications, bid documents, and performing construction inspections, etc. related to the installation of a new floating cover on the Borough's in-ground water reservoir – Mgr. Bickhart reported he needs to consider this a bit more. Two engineering firms sent proposals for their services in the range of $25,000 and $19,400 which is very high compared to the cost of the project. Mgr. Bickhart would like to have some time to come up with some ways to do this project without incurring these kinds of costs. The last time something like this was done on a well project a lot more was spent on the engineering than on the cost of the work. He stated he will do this again at Council's direction, but he wants to speak to Rick and Roger, call some installers of equipment to see what he can get from them as far as specifications to get the work done. This is simply replacing what is there now with the same kinds of things. It is not new work. Only $50,000 was estimated for the work. Mgr. Bickhart stated that as an engineer and as the Borough Manager he cannot recommend either one of these proposals.

Request from Don Rowe for the consideration of Contractor Registration/Licensing Ordinance – Pres. Handlan and C/P Inch stated Donnie Rowe has talked to them about this also. Pres. Handlan stated that one of the issues is that the Borough has to be creative in how they generate revenue, but they cannot make a profit on a license. Other municipalities do have a contractor's license for work in the municipality. The only reason to put something like this in place would be to protect the residents from shady contractors. C/P Inch stated that there is a concern about liability to the Borough in licensing contractors. C/P Herb asked if this might not be looking for a solution to a problem that does not yet exist. He feels this could be set aside for the time being. C/P Inch stated he got the impression that Donnie was looking at this as a possible source of income for the Borough and Pres. Handlan agreed with this assessment. Mgr. Bickhart stated that the administration of something like this would be prohibitive, especially until the word got out that licenses were required. Contractors come into the Borough to work at the school district or the university who are responding to bids and requests for services from all over. They will come and go and the Borough will have to find out who they are, get their license, check their insurance, and all this for a problem that has not yet presented itself. He stated he has not heard a single complaint in six years about workmanship in the Borough. C/P Anderson suggested that if there is a concern about contractors being legitimate an article could be put in the newsletter talking about things people should consider before having work done, such as checking references and talking to other people who have had work done.

Request from David L. Faust – Mgr. Bickhart stated regarding Dave's first issue in his letter, he has been working through the engineer to get him the information. On the second issue regarding upgrading the 1980 master plan for Weiser Run and making a financial commitment to implement the project, Mgr. Bickhart pointed out that that project has a $500,000 price tag. There has been a grant application in place which has been unsuccessful for four or five years now. Regarding the third issue, Mgr. Bickhart has been talking to the Water Department people and that particular well is programmed to waste a certain quantity of water before it goes into production because of the sediment that is in the well water. The sediment-laden water is pumped off. Mgr. Bickhart has asked the Water Department people to make an evaluation of whether that time is appropriate and whether it is pumping too much water and therefore pumping good water out into the stream. This is the most cost-effective way to remove the sediment. Pres. Handlan asked when Dave is planning to do the construction. Mgr. Bickhart replied there is no set timeframe. The street has been vacated and Dave has looked into floodplain issues. He is waiting to find out if the engineer has any calculations on how big the floodplain is right at the bridge. He will then decide if there is enough property left to actually build on. Solicitor Cravitz stated there is no grandfathering provision in a floodplain. Mgr. Bickhart stated this goes back to 1978 so it is not anything recent. He stated he will respond to Dave's letter.

Invitation to Opening Night Reception for Tree Fest of Children's Books – 2007, Friday, November 30, 2007, 7:00 to 9:00 PM, All Saints Episcopal Church Social Hall – RSVPs are not necessary. Pres. Handlan encouraged everyone to attend even if it is just for a half hour in order to be the first to view the trees, and enjoy some music and refreshments. C/P Anderson stated that this year some of the books that have been chosen for the trees will be available for sale. Pres. Handlan extended kudos to the Friends of the Selinsgrove Library, which is an amazing group that contributes over $10,000 annually to the library to support special programs.

Request from PSAB to support SB777, pertaining to the collection of delinquent property taxes – Mgr. Bickhart stated that he is not in a position to advise Council one way of the other on this legislation. The Boroughs Association is endorsing it after having reviewed it and determining that it has benefits to Pennsylvania boroughs in collecting delinquent property taxes. Mgr. Bickhart stated he does not feel qualified to write a letter to a legislator in support of something. He would rather write a letter in support of the Boroughs Association.

SELINSGROVE MUNICIPAL AUTHORITY – Donald Bottiger, Chairman

Notice of completion of 2008 Audit Report – Audit completed with no findings.

EASTERN SNYDER COUNTY REGIONAL AUTHORITY – Bob Dagle and George Kinney, Chairmen

Notice concerning proposed 2008 budget for ESCRA – Mgr. Bickhart reported this proposed budget is up for adoption on November 14. Generally speaking it is not bad, with no big surprises. If anyone has any questions the Borough's representatives to the Authority would be invited to explain these things. The depreciation under Operation and Maintenance is a line item that usually changes by hundreds of thousands of dollars, but it is staying the same for next year. C/P Inch questioned the large increase in the Administrative salaries and wages. Mgr. Bickhart replied he does not have details on this, but he can ask the representatives to explain this. C/P Anderson asked if she is reading it correctly that Selinsgrove has a significant drop in their share of the budget. Mgr. Bickhart stated this has to do with the flow metering and having documentation that gives the Borough confidence to predict that their share at the end of the year will be at a certain level. In the past the Borough was bearing 40% of the operation of the treatment plan. The financial impact for this year is more dependent on the fact that the predictions are lowered. However, the year after this the Borough will be out of the savings predictions. There will still be savings but the amounts will begin to go back up again. Pres. Handlan asked if there wasn't a large salaries and wages increase last year also and Mgr. Bickhart replied that last year it actually went down 13%. Pres. Handlan noted that this year the administrative salaries rose 28.38% but the operation and maintenance salaries only rose 2.71%. Mgr. Bickhart stated that with Council's direction he will ask ESCRA for more documentation on this issue.

NORTH-EASTERN SNYDER COUNTY JOINT AUTHORITY – C/P Hetherington and Mgr. Bickhart

2008 Assessments to remain the same as prior years – Mgr. Bickhart reported that the Borough's assessment remains at $735 out of a total of $1,500. The assessments are distributed to the three member municipalities in proportion to their populations. The landfill is done and stable, with very few expenses. The needed revenue is generated only through these assessments. Mgr. Bickhart noted that in January a replacement will be needed for C/P Hetherington.

NEW BUSINESS:

COUNCIL MEMBERS

Follow-up on Hummels with Planning Commission – C/P Mengel asked if the Hummels' situation has come before the Planning Commission yet. C/P Anderson stated it has and the Planning Commission is asking Karen Hackman to draft a potential addition to the Zoning Code to allow for a hearing process in order to be able to change back to a property's original conditional use.

MAYOR

PennDOT $6,000 Grant – Mayor Carroll reported that Chief Garlock wanted to make Council aware of a grant through PennDOT, which is the North Central Highway Safety Network. Chief Garlock thinks that Selinsgrove will be able to get $6,000 to be used to pay officers to target certain areas with high accident rates and DUIs, such as Routes 11/15 and Route 522. This grant would allow the officers to work in blocks that are set aside from their regular schedule and they would be paid from the grant monies. The recent fatality on Routes 11/15 was within the Borough's jurisdiction and in a targeted area. An additional benefit of this program is that if an officer is working four hours prior to or following their regularly scheduled shift, they can leave the targeted area to provide assistance in the Borough if needed. There will also be a small amount of revenue to the Borough from tickets that are generated through this program.

OTHERS

Budget Requests – Sheri stated that everyone has the budget requests along with the budget schedule. The Finance Committee will meet on Monday, November 19 to go over the complete budget, which is now a narrative-type budget. After they make their changes Sheri will get copies to everyone for their review prior to the Council meeting on November 26 at 7:00 PM. She noted this is a changed date.

December 27 Council Meeting at 4:00 PM – Pres. Handlan asked if everyone will be able to make this meeting for final adoption of the budget. Mgr. Bickhart stated that Council will need to abide by the timing of ordinance adoptions. If everything goes well and the budget is tentatively adopted at the next Council meeting then that date is okay. However, if a subsequent meeting is needed in December then Council needs to start thinking backwards and they may not have the luxury of time. The process is started late, as has been the convention. Other municipalities have already adopted their tentative budgets in November to allow more time. Mgr. Bickhart suggested that the regular December Council meeting be recessed to a date to be determined by information known at that time. He stated if Council needs to meet more often they need to do so in November or very early in December because there must be two weeks and three days to publish the meeting date.

RECESSION:

At 10:25 PM the meeting was recessed to November 26, 2007 at 7:00 PM to discuss the 2008 Budget and any other business that may come before the Council.

Attachments: None